

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

1999

NANCY B. SCHLEGEL,

*R. H. H. H.*  
CLERK

Plaintiff,

v.

No. CIV-99-0725 BB/KBM

NEW JERSEY DEPT. OF HEALTH  
COMMISSIONERS PAST & PRESENT,  
REGISTRAR OF STATISTICS, PAST  
AND PRESENT,  
N.J. STATE ATTORNEY GENERALS  
PAST AND PRESENT,  
JUDGE PHILIP CARCHMAN A.J.S.C.,  
JUDGE PAULINE SAPP-PETERSON J.S.C.,  
JUDGE CHARLES RIGG,  
STATE OF N.J. OFFICERS OF THE  
BURLINGTON COUNTY SURROGATE  
(ELTON CONDRA, JAMES A. HAINES  
M.E. MATLACK) ET AL,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court *sua sponte* to review Plaintiff's civil rights complaint pursuant to 28 U.S.C. §§ 1915(e)(2), 1391(b), and 1406(a). Plaintiff is appearing pro se and proceeding in forma pauperis. For the reasons below, Plaintiff's complaint will be dismissed without prejudice.

The complaint alleges that Defendants have violated a number of Plaintiff's constitutional rights by failing to correct an error on her birth certificate, by conspiring to prevent her from rectifying the error through the New Jersey state judicial system, and by depriving her of a trial by jury. Plaintiff seeks injunctive relief and, alternatively, damages. None of the alleged conduct occurred outside New Jersey, and the complaint does not indicate that any of the named Defendants resides in New Mexico. Plaintiff states in the complaint that she has previously asserted these claims

in the superior court of New Jersey.

The district of New Mexico is not the proper venue for Plaintiff's complaint. Under 28 U.S.C. § 1391(b), Plaintiff's complaint may be brought only where the Defendants reside or where the events giving rising to Plaintiff's claims occurred. Neither of these requirements is met by filing in this district. Furthermore, under 28 U.S.C. § 1406(a), a complaint filed in the wrong district must be dismissed or, in the interests of justice, transferred to the district of correct venue. The complaint provides no indication the interests of justice would be served by transferring the case to the district court in New Jersey. Plaintiff has raised these claims previously in the New Jersey state courts, and thus it appears her claims may be barred by the doctrine of res judicata. The complaint will be dismissed.

IT IS THEREFORE ORDERED that Plaintiff's complaint be DISMISSED without prejudice; an order of dismissal shall be entered in accordance with this opinion; and by forwarding a copy of this order to the U.S. Marshal, the Clerk shall notify the Marshal to discontinue its efforts to serve process on Defendants.

  
UNITED STATES DISTRICT JUDGE